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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,475	08/22/2001	Mark W. Hendricksen	Radpat	8985

7590 05/19/2005  
Mark W. Hendricksen  
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EXAMINER
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LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/935,475	<b>Applicant(s)</b> HENDRICKSEN, MARK W.	
	<b>Examiner</b> JOHN J LEE	<b>Art Unit</b> 2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 – 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith Jr. et al. (6,697,607) in view of Scrivens et al. (US Patent number 6,728,518).

Regarding **claim 1**, Smith discloses that radio apparatus (Fig. 1). Smith teaches that a multi-frequency radio signal receiver (Fig. 1) secured relative to the outer encasement (inherently radio having outer encasement in Fig. 1), the radio signal receiver being capable of receiving a plurality of frequencies of radio signals (Fig. 2 and column 4, lines 4, lines 3 – 58, where teaches a broadcast receiver such that a radio, television, or web browser, or PDA that can receive a plurality of frequencies of radio signals) and configured to receive at least one radio signal (Fig. 2 and column 4, lines 3 – 58, where teaches the broadcast receiver receives a plurality of frequencies of radio signals). Smith teaches that an audio output device (8 in Fig. 1, speaker) operatively connected to the radio signal receiver (3 in Fig. 1) (Fig. 1 and column 2, lines 1 – 29). Smith teaches that the radio signal receiver (Fig. 1) may be limited to receive only one predetermined radio signal frequency (receiver can automatically tuned to preselected signal source, station lock) representing broadcast services of a single radio station (the controller is provided with control outputs to the tuner, which allow the controller to select a frequency and a

band for the tuner to demodulate such that station lock, information channel detected as see column 4, lines 61 – column 5, lines 25 and Fig. 1, 2) such that a user of the radio apparatus may not readily change that the radio signal receiver is limited to receiving a predetermined radio signal frequency, thereby limiting the audio output to play only the broadcast services of the single radio station (column 5, lines 28 – column 6, lines 41 and Fig. 2, 3, where teaches during the predetermined time of tuning to the power-on signal source (during receiving the broadcast services of single radio station), a user preferably may override the automatically tuned signal source to receive a user's selected source).

Smith does not exactly disclose the limitation “a radio signal receiver secured relative to the outer encasement”. However, Scrivens teaches the limitation “a radio signal receiver (10 in Fig. 1) secured relative to the outer encasement (26 in Fig. 1)” (column 2, lines 12 – 45 and Fig. 1, 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Smith structure as taught by Scrivens. The motivation does so would be to achieve improving protection of a radio device for qualify receiving broadcast signals in radio device.

Regarding **claims 2 and 3**, Smith does not specifically disclose the limitation “the outer encasement defines a promotional identifier of one of broadcast services and non-broadcast services is operatively attached to the outer encasement”. However, Scrivens teaches the limitation “the outer encasement defines a promotional identifier of one of broadcast services and non-broadcast services is operatively attached to the outer encasement” (Fig. 1, 2 and column 2, lines 12 – 55, where teaches recognizable shape to provide the functional identification with specific event correlating to the broadcast radio

signal). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Smith structure as taught by Scrivens. The motivation does so would be to provide enhancing the radio device for user convenient in radio device.

Regarding **claims 4**, Smith does not specifically disclose the limitation “the outer encasement defines a promotional identifier of one of broadcast services and non-broadcast services and further includes a promotional identifier of the other of broadcast services and non-broadcast services”. However, Scrivens teaches the limitation “the outer encasement defines a promotional identifier of one of broadcast services and non-broadcast services and further includes a promotional identifier of the other of broadcast services and non-broadcast services” (Fig. 1, 2 and column 2, lines 12 – column 3, lines 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Smith structure as taught by Scrivens. The motivation does so would be to provide enhancing the radio device for user convenient in radio device.

Regarding **claim 5**, Smith discloses that the radio signal receiver is configured to only receive the broadcast signal of a pre-determined frequency, representing broadcast services of the radio station (the controller is provided with control outputs to the tuner, which allow the controller to select a frequency and a band for the tuner to demodulate such that station lock, information channel detected as see column 4, lines 61 – column 5, lines 25 and Fig. 1, 2).

Regarding **claim 6**, Smith discloses that the radio signal receiver is configured to multiple broadcast signals of different frequencies, and the audio output is configured to receive only output radio signals received of the pre-determined frequency, representing broadcast services of the radio station (Fig. 2 and column 4, lines 3 – column 5, lines 25, where teaches a broadcast receiver such that a radio, television, or web browser, or PDA that can receive a plurality of frequencies of radio signals, and the controller is provided with control outputs to the tuner, which allow the controller to select a frequency and a band for the tuner to demodulate such that station lock, information channel detected).

Regarding **claim 7**, Smith discloses that the audio output is set to only output radio signals received of the predetermined frequency through a mechanical setting of the audio output to the predetermined radio station (column 5, lines 28 – column 6, lines 41 and Fig. 2, 3, where teaches during the predetermined time of tuning to the power-on signal source (during receiving the broadcast services of single radio station), a user preferably may override the automatically tuned signal source to receive a user's selected source).

Regarding **claim 8**, Smith discloses that the audio output is set to only output radio signals received of the predetermined frequency through an electronic setting of the audio output to the predetermined radio station (column 5, lines 28 – column 6, lines 41 and Fig. 2, 3, where teaches during the predetermined time of tuning to the power-on signal source, a user preferably may override the automatically tuned signal source to receive a user's selected source).

Regarding **claim 9**, Smith discloses that the audio output is limited to a predetermined radio signal frequency representing broadcast services of a radio station by position a frequency tuner in the outer encasement such that once the tuner is set to a pre-determined radio signal frequency representing broadcast services of a radio station and the outer encasement closed (obviously the radio has a cover for protecting the radio and tuner), the tuner is not normally accessible by a user of the radio apparatus (column 5, lines 28 – column 6, lines 41 and Fig. 2, 3, where teaches during the predetermined time of tuning to the power-on signal source, a user preferably may override the automatically tuned signal source to receive a user's selected source).

Regarding **claim 10**, Smith and Scrivens discloses all the limitation, as discussed in claim 1. Furthermore, Smith further discloses that a tuner (3 in Fig. 1) operatively connected to the antenna configured to only receive one of a pre-determined radio signal frequency from the antenna (2 in Fig. 1) (Fig. 1, column 4, lines 3 – 58, and column 2, lines 1 – 29, where teaches broadcast receiver has a tuner to operate connect to the antenna and configured to lock a station to receive the radio frequency). Smith teaches that a demodulator disposed to receive the radio signal from the antenna (inherently the receiver has a demodulator since the antenna receives radio modulation signal see column 4, lines 61 – column 5, lines 25 and Fig. 1, and also Fig. 1 teaches demodulated audio signal disposed to receive to amplifier from the tuner). Smith teaches that an amplifier (7 in Fig. 1) operatively connected to the demodulator (3 in Fig. 1) to receive the radio signal from the demodulator and to create an amplified radio signal (Fig. 1, 2 and 4, lines 61 – column 5, lines 25, where teaches receiving the broadcast signal by antenna and

tuner/receiver demodulates the signal for sending to amplifier for generating an amplified signal to output). Smith teaches that an audio output (8 in Fig. 1) operatively connected to the amplifier to receive the amplified radio signal from the demodulator (Fig. 1, 2 and 4, lines 61 – column 5, lines 25, where teaches receiving the broadcast signal by antenna and tuner/receiver demodulates the signal for sending to amplifier for generating an amplified signal to audio output by speaker).

Regarding **claim 11**, Smith discloses that the audio output device transmits the broadcast services of one radio station (Fig. 1, column 4, lines 3 – 58, and column 2, lines 1 – 29).

Regarding **claim 12**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10. Furthermore, Smith further discloses that the demodulator is a diode (inherently the receiver has a demodulator can be made by diode see column 4, lines 61 – column 5, lines 25 and Fig. 1).

Regarding **claims 13, 20, and 40**, Smith discloses that the radio apparatus is miniature (Fig. 1 and column 4, lines 61 – column 5, lines 25, where teaches radio could be small size).

Regarding **claim 14**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 2.

Regarding **claim 15**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 3.

Regarding **claim 16**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 4.



Regarding **claim 17**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 18**, Smith discloses that the tuner is configured to only receive one of a pre-determined AM and FM radio signal frequency from the antenna with an electronic tuner lock (Fig. 1, column 4, lines 3 – 58, and column 2, lines 1 – 29).

Regarding **claim 19**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10. Furthermore, Smith further discloses that distributing the radio apparatus to one of existing and prospective listeners of the source (broadcasting the services for users) of the radio broadcast services being promoted (providing the variable broadcast services), thereby promoting the broadcast services (column 5, lines 27 – column 6, lines 41 and Fig. 1, 2).

Regarding **claims 21 and 41**, Smith discloses that the promotional element is an indicia which indicates the source of the broadcast services (column 5, lines 27 – column 6, lines 41 and Fig. 1, 2, where teaches the broadcast service depends on location, service, radio manufacturer, company).

Regarding **claims 22 and 43**, Smith discloses that the encasement further includes a second promotional element which is an indicia from a non-broadcast advertiser (displaying tuner, personal item from the memory) (column 5, lines 27 – column 6, lines 41 and Fig. 1, 2).

Regarding **claim 23**, Smith discloses that the promotional element is an indicia which indicates the source of non-broadcast services (column 5, lines 27 – column 6, lines 41 and Fig. 1, 2).

Regarding **claims 24 and 44**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 2.

Regarding **claim 25**, Smith discloses that the broadcast services are those of a non-profit organization (a broadcast station can be public or religious station) (column 5, lines 27 – column 6, lines 41, Fig. 1, 2, and column 4, lines 3 - 21).

Regarding **claim 26**, Smith discloses that the broadcast services are related to broadcasting of games of a sports team (column 5, lines 27 – column 6, lines 41, Fig. 1, 2, and column 4, lines 3 - 21).

Regarding **claim 27**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 28**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 2.

Regarding **claim 29**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 3.

Regarding **claim 30**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 4.

Regarding **claim 31**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 5.

Regarding **claim 32**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 6.

Regarding **claim 33**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 7.

Regarding **claim 34**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 8.

Regarding **claim 35**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 36**, Smith and Scrivens disclose all the limitation, as discussed in claims 2 and 3.

Regarding **claim 37**, Smith and Scrivens disclose all the limitation, as discussed in claims 4 and 19.

Regarding **claim 38**, Smith and Scrivens disclose all the limitation, as discussed in claims 17 and 18.

Regarding **claim 39**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 19.

Regarding **claim 42**, Smith discloses that the at least one promotional element is an indicia which a source of one of goods and services of another (column 5, lines 27 – column 6, lines 41, Fig. 1, 2, and column 4, lines 3 - 21).

Regarding **claim 45**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 46**, Smith and Scrivens disclose all the limitation, as discussed in claims 17 and 18.

Regarding **claim 47**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 48**, Smith and Scrivens disclose all the limitation, as discussed in claims 17 and 18.

Regarding **claim 49**, Smith and Scrivens disclose all the limitation, as discussed in claims 1 and 10.

Regarding **claim 50**, Smith and Scrivens disclose all the limitation, as discussed in claims 17 and 18.

Regarding **claim 51**, Smith and Scrivens disclose all the limitation, as discussed in claims 17 and 18.

Regarding **claim 52**, Smith and Scrivens disclose all the limitation, as discussed in claims 10 and 18.

Regarding **claim 53**, Smith and Scrivens disclose all the limitation, as discussed in claims 10 and 18.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arrowsmith et al. (US Patent number 5,513,384) discloses RDS Radio Multi-Function RDS Button

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Art Unit: 2684

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Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.  
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00  
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay  
Aung Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or  
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J.L  
May 11, 2005

John J Lee

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**